



***Town of Tyngsborough
Conservation Commission***

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Minutes

September 25, 2007

Present:

ES: Ed Smith, Chairman
JK: Jeffery Kablik
WL: William Look
RS: Robert Sherburne

HJ: Henry Jungmann, Vice-Chairman
LG: Lucy Gertz (late-missed 2 votes)
PB: Paul Barker
MM: Matt Marro, Conservation Director

7:00 Meeting opened by Ed Smith

7:00 Brad Pacheco – 71 Mascuppic Trail (Map 32B, Parcel 33) – Enforcement order for DEP #309-653
- The Director found at this location the clearing of Bordering Vegetative Wetlands, creation of a beach and the set up of a dock – **AND - John Smith – 29 Pleasantview Ave. (M32B, P 39, L 0) - Enforcement order issued for the clearing of Bordering Vegetative Wetlands, creation of a beach and the set up of a dock at 71 Mascuppic Trail (Map 32B, Parcel 33) (Continued from 8/28)**

Mr. Pacheco was unable to appear again. **Mr. Smith** also did not appear.

HJ: Motion to continue the hearing on the Director's Enforcement Order for **Brad Pacheco** and **John Smith** on **71 Mascuppic Trail (Map 32B, Parcel 33)** to October 9th at 7:00 P.M.

JK: 2nd the motion

Unanimous 6-0 (LG late)

7:10 Martin Kelly – 86 Frost Road (Map 325, Parcel 8, Lot 0) – Violation of the Massachusetts Wetland Protection Act (MGL CH 131 S 40) and the Town of Tyngsborough Protective Municipal By-Law The Director found at this location the filling and grading within 100' of a wetlands without a valid Order of Conditions

Mr. Kelly was adding fill to an existing old substandard foundation hole in the back of his property to allow him access to the area with his truck to remove debris. The previous owner had torn the building down from this foundation and left the cut-up sections along with other trash, tires, etc. **MM** commended **Mr. Kelly** for his actions of trying to clean up this area, but advised him that he needs to remain 100' from the wetlands. The Commission requested **Mr. Kelly** file a Director's Determination including a sketch on a plot plan showing what further work he intends to do. **Mr. Kelly** assured the Commission that he had no intention of bothering the wetlands and will work with the Director to solve this issue.

7:20 Brewster Hager – 239 Pawtucket Blvd. (Map 34, Parcel 26, Lot 0) - Violation of the Massachusetts Wetland Protection Act (MGL CH 131 S 40) and the Town of Tyngsborough Protective Municipal By-Law The Director found the removal of vegetation (trees) within 200' of the Merrimack River.

Mr. Hager wanted to remove the 75' to 80' tall pine trees that had came down during the June and July storms and was able to find some one that would clear cut the trees in his yard. He has suffered window, roof and vehicle damage from these trees during many storms in the past. **Mr. Hager** was unaware of the 200' restriction on the river and thought it was 100' from the water. **MM** appreciated **Mr. Hager's** quick response to his letter and **JK** advised him that the Commission supports the removal of trees in dangerous situations.

Mr. Hager was asked file a Director's Determination with a schedule of his reclamation plans, replanting, lawn replacement, gardens, etc. that he intends to do. The Commission also supports **Mr. Hager's** plans to grind the stumps to further stabilize the area

7:30 Archdiocese of Boston – 93 Lakeview Ave. – Notice of Intent (Map 25, Parcel 57) - Proposed 3 lot residential subdivision with associated utilities and roadway. The detention pond is located within the 100' buffer zone. There is no construction or filling in the resource area.

HJ: Motion waive the reading of the legal notice

RS: 2nd the motion

Unanimous 7-0

HJ: Motion to waive the reading of the abutters list

RS: 2nd the motion

Unanimous 7-0

Patrick Flaherty, surveyor and civil engineer, from **P.M. Flaherty Associates, Inc.** appeared as the representative for this project. This subdivision borders the Sleepy Hollow development on **Lakeview Avenue** and uses the same bordering vegetative wetlands plan as developed for Sleepy Hollow. There was not enough frontage along **Lakeview Avenue** so all 3 lots were designed to have frontage on the proposed road, **St. Mary Way**, that will run along the stone wall beside Sleepy Hollow. There will be a slight incline to the beginning of this road to help prevent the drainage from **Lakeview Ave.** from running toward the proposed retention area. A 30' no cut zone is proposed along Lakeview Avenue to preserve the existing trees

Plans of the wetlands were presented showing the drainage and erosion control that is proposed. Culverts were designed to direct the runoff toward a retention pond. Culvert chambers will catch the water and separate the silt and oil before it reached this retention pond. Gutters on the houses will also be used to direct the runoff and sewage is proposed. The proposed retention pond is clear of the 30' no touch zone but approximately 95% of it will be in the 100' buffer zone.

Mr. Flaherty is working with the **Dracut Water Department** to supply water for these houses and 2 fire hydrants for this area. To provide the water, **Dracut** is asking that an easement be established for an additional pumping station to be built. He is working with **Dracut** on placement near the existing Rectory driveway. A 60' setback is proposed for this with screening vegetation planted to obscure this pumping station.

HJ would like a 60' setback along **Lakeview Avenue** and a deed restriction placed on this lot for no tree cutting on this first 50'.

MM would like to reduce the amount of pavement in this area where ever possible. He has also been in contact with consulting engineer **David Ross Associates** on some of the drainage issues. He would like a copy of their proposals for resolving these issues by the Commission's October 9th meeting.

The commission is asking **Mr. Flaherty** to work with **MM** to see what can be done to keep the retention area out of the buffer zone.

In answer to **JK's** questions on the retention area plans, **Mr. Flaherty** explained that the water would rise in the culvert system after the sediment is trapped and will slowly drain out over a large area of riprap to slow down the force of the water before slowly draining into the pond. There is also an escape channel with riprap to allow for overflow from the retention area in the case of 100 year floods.

HJ: Motion to continue the hearing on **93 Lakeview Avenue** to October 9th at 7:15 P.M.

WI: 2nd the motion

Unanimous 7-0

7:45 Michael Ragucci – 16 Lakeview Ave. (Map 25, Parcel 16, Lot 0) - Violation of the Massachusetts Wetland Protection Act (MGL CH 131 S 40) and the Town of Tyngsborough Protective Municipal By-Law The Director found grading within 100' of a wetland without a valid Order of Conditions.

Mr. Ragucci was unable to attend but did speak with **MM** by phone. **MM** did find this to be a minor violation. He thanked **Mr. Ragucci** for his prompt response to his letter and advised him of the wetlands 30' no touch zone and 50' no structure zone restrictions. **Mr. Ragucci** agreed to notify the board before any further work is done.

Director's Determinations and Report:

- **MM** received an inquiry to possibly use the **Sherburne House** for a silent auction for the Tyngsborough High School Grad Night. Approximately 100 people are expected to attend this function. The Building Inspector recommends an occupancy of under 50 for this building. There could also be parking issues since this event is being held in February and the area could be covered with snow. The auction coordinator will be advised that the building will not be available for this event.
- The Director is having some issues with the GIS system but will continue to try and resolve the problems.
- **MM** will be meeting with the **DPW** at 9:00 A.M. on Friday, September 28th to make a site visit to **Mascuppic Trail**. They will be looking into the removal of the tar that was found on the bank of a stream during last weeks site visit by **MM**, **ES** and **WL**. Commission members are welcome to come along.
- **MM** will be doing a site walk with the **DEP** to **18 Jamie Way** on Thursday, September 27th at 1:00 P.M.. The **DEP** is coming in response to an appeal of the Commissions finding that **Abbreviated Notice of Resource Area Delineation (Map 16, Lot 51) DEP 309-0803** was inaccurate. Commission members are welcome to attend.

Other Business:

❖ Signed Forms/Invoices:

- **21 Trotting Park Road (Map 33, Parcel 28)** (also known as 17 Trotting Park Road)– **Order of Conditions DEP #309-0806**
- Sign off on Sherburne House invoices

❖ Minutes/Other Business

- The **Forest and Trails** Committee is working to get out their agenda. A presentation of **“Stories of Colonel Tyng”** is scheduled for 7:00 P.M. on November 8th at the **Sherburne House**.
- Minutes from 9/11/07 meeting
 - HJ:** Motion to accept the minutes from 9/11/07 meeting
 - RS:** 2nd the motion
 - Vote 6-0 (LG late)**

Meeting adjourned at 8:15 PM

HJ: Motion to adjourn
WL: 2nd the motion
Unanimous 7-0

Respectfully submitted
Karen Steeves, Conservation Clerk